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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,627	12/27/2001	Scott T. Stillman	60027.0247US1/BS01309	9302
23552	7590	11/02/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 11/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,627

Applicant(s)

STILLMAN ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12-18, 20-23, 25-27, 29-33 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18, 20-23, 25-27, 29-33 and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-10,12-18,20-23,25-27,29-33,35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cartier et al.** (US 6,795,543) in view of **McKinley, Jr. et al.** (US 6,665,377) further in view of **Schier et al.** (US 6,233,316).

As to Claims 1,6-9,12-18,20,22,24-27,29-30,32,33,35,36, with respect to Figures 1 and 4-7, **Cartier** teaches in an advanced intelligent network, a method for using IP (voice activated dialing (VAD)) service with respect to originating a communication from a first calling line number, comprising:

encountering an originating trigger and querying a ISCP [i.e., service control point (SCP)] to obtain instructions for routing the communication, wherein the SCP determines whether a calling line associated with the first calling line number is subscribed to IP (VAD) service (Figure 4, labels S74,S94,S104 and Col. 21, lines 35-49);

if the calling line is subscribed to IP (VAD) service, establishing a call path between the calling line and an intelligent peripheral with voice recognition and processing capabilities, wherein the intelligent peripheral prompts collection of a response (an utterance) from the calling line and translates the speech (utterance) into identifying information associated with a called line (Figure 4, labels S74,S94,S104,S114; Col. 21, lines 35-49);

receiving a message that includes the identifying information at the SCP (Figure 4, label S114; Col. 5, lines 44-54, 66,67); and

dropping the call path between the calling line and the intelligent peripheral when the SCP receives the first calling line number from the intelligent peripheral and completing the communication between the calling line and the called line, wherein the SCP instructs a service

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switching point to route the communication to a called party (Figure 4, label S144; Col. 5, lines 44-54, 66,67, Col. 21, lines 44-63, Col. 22, lines 33-39, Col. 24, line 54-Col.25, line 13);

**Cartier** does not teach the following limitations:

“Voice activated dialing”, “feature code” and “an utterance”

However, it is obvious that **Cartier** suggests the limitation. This is because **Cartier** teaches IP with speech recognition and voice or DTMF inputs capabilities (Col. 13, lines 43-48). **McKinley** teaches VADs which can be IPs in AIN networks (Col. 4, lines 38-51). **Schier** teaches service codes (feature codes) (Col. 6, lines 30-34). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add VAD and feature code capabilities to **Cartier**’s invention for voice activated dialing using service codes as taught by **McKinley**’s and **Schier**’s inventions in order to provide advanced services to callers and called parties using codes that are easily remembered.

As to Claims 2,3, **Cartier** teaches the method of claim 1, wherein the advanced intelligent network has GR 1129 capabilities (Col. 14, lines 5-15).

As to Claims 4,23,37, **Cartier** teaches the method of claim 3, wherein dropping the call path further comprises querying the SCP to obtain instructions for routing the communication and providing information about the identifying information to the SCP (Col. 24, line 54-Col.25, line 13).

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As to Claims 5,31, **Cartier** teaches the method of claim 1, wherein the intelligent peripheral transmits the identifying information to the SCP via a TCP/IP connection (Col. 13, lines 29-34).

As to Claims 10,21, **Cartier** teaches the method of claim 1, wherein the call path is a primary rate interface with ISDN signaling (Col. 13, lines 57-65).

### *Response to Amendment*

5. This action is responsive to an amendment filed on 08/18/2006. Claims 1-10,12-18,20-23,25-27,29-33 and 35-37 are pending.

### *Response to Arguments*

6. Applicant's arguments filed on 08/18/2006 Remarks have been fully considered but they are not persuasive.

Regarding claims 1, 12,17,26,32, the Applicant argues on page 11 that "Cartier does not disclose an SCP that instructs an SSP to route a communication to a called party". Examiner respectfully disagrees with this argument. In Col. 5, lines 44-54, 66,67 **Cartier** discloses that an ISCP [i.e., SCP] instructs a central office [i.e., SSP] to obtain destination number [i.e., number of a called party] and route each call to the destination number. Therefore, it is clear that the ISCP that instructs an SSP to route a communication to a called party. Thus the rejection of the claims in view of **Cartier**, **McKinley** and **Schier** remain.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Espejo et al.** (U.S. 7,088,987) teach Pre-paid wireless interactive voice response system with variable announcements; and

**Crockett et al.** (U.S. 7,099,441) teach Method and system for providing enhanced call waiting with verification and name change service.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE  
October 29, 2006



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